

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)
ECF Case

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This document applies to:

Cantor Fitzgerald Associates, L.P. v. Akida Investment Co., Ltd., 1:04-cv-07065-GBD,

**DECLARATION OF HOWARD N. FELDMAN IN SUPPORT OF THE MOTION TO
PERMIT DICKSTEIN SHAPIRO LLP AND HOWARD N. FELDMAN TO WITHDRAW
AS CO-COUNSEL OF RECORD FOR CANTOR FITZGERALD PLAINTIFFS**

Pursuant to 28 U.S.C. § 1746, Howard N. Feldman declares as follows:

1. I am an attorney admitted to practice before this Court pro hac vice and was a partner at Dickstein Shapiro LLP (“Dickstein”), co-counsel for the Cantor Fitzgerald Plaintiffs¹ in the above-referenced action. I am now a partner with Blank Rome LLP, a firm that has not been engaged by the Cantor Fitzgerald Plaintiffs.
2. I submit this declaration in support of the motion to permit Dickstein and Howard N. Feldman to withdraw as co-counsel of record for the Cantor Fitzgerald Plaintiffs in this case and the appeal pending in the United States Court of Appeals for the Second Circuit, Case No. 15-3524.

¹ Including Cantor Fitzgerald & Co., Cantor Fitzgerald Associates, L.P., Cantor Fitzgerald Brokerage, L.P. (now known as BGC Environmental Brokerage Services, L.P.), Cantor Fitzgerald Europe, Cantor Fitzgerald International (now known as BGC International), Cantor Fitzgerald Partners (now known as Seminole Financial), Cantor Fitzgerald Securities, Cantor Fitzgerald, L.P. (now known as BGC Capital Markets, L.P.), Cantor Index Limited, CO2e.com, LLC (now known as Cantor CO2e, LLC), eSpeed Government Securities, Inc. (now known as eSpeed Brokerage, L.P.), eSpeed, Inc. (now known as BGC Partners, Inc.), eSpeed Securities, Inc. (now known as Aqua Securities, L.P.) and TradeSpark, L.P. (collectively the “Cantor Fitzgerald Plaintiffs”).

3. On February 8, 2016, the partnership of Dickstein voted to dissolve the partnership effective February 11, 2016. As a result, Dickstein has ceased engaging in the practice of law and is in dissolution and can no longer serve as counsel in this case and in the pending appeal before the United States Court of Appeals for the Second Circuit (Docket No. 15-3524).

4. I have served as co-counsel with Adams Holcomb LLP in this case and the appeal pending in the United States Court of Appeals for the Second Circuit, Case No. 15-3524. This is one of many cases that have been consolidated as part of an multi-district litigation proceeding in which numerous plaintiffs suffered property damage and loss as a result of the September 11th attacks.

5. In these district court multi-district proceedings, plaintiffs are organized with an executive committee structure, so that briefs are filed by the committees on behalf of all plaintiffs. The Plaintiffs' Executive Committee has run the discovery and managed the motions practice in this consolidated litigation. No one from Dickstein has served on the Plaintiffs' Executive Committee.

6. In light of the plethora of counsel in this litigation and at the Cantor Fitzgerald Plaintiffs' direction, Dickstein and I have played a modest role in this case.

7. In light of the circumstances concerning Dickstein as well as the fact that I played a limited co-counsel role, the withdrawal of Dickstein and myself will have no material adverse effect on the interests of the Cantor Fitzgerald Plaintiffs. Moreover, Adams Holcomb LLP is willing and able to continue the representation of the Cantor Fitzgerald Plaintiffs without Dickstein and Mr. Feldman serving as their co-counsel.

8. There are no upcoming deadlines in this case that cannot be effectively handled by Adams Holcomb LLP. No trial date has been set.

9. I previously sought to present this motion to withdraw as a consent motion, but have been unable to effectively communicate with the Cantor Fitzgerald Plaintiffs' in-house representative to obtain their consent. A copy of the Notice of Motion, supporting memorandum and declaration are being sent to the Cantor Fitzgerald Plaintiffs by first class mail to Michael S. Popok, Deputy General Counsel, Cantor Fitzgerald & Co., 499 Park Avenue, 2nd Floor, New York, NY 10022.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Washington, D.C.
February 23, 2016

s/Howard N. Feldman
Howard N. Feldman